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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,
10
11 Plaintiff,

Case No. CR06-421-JLR

12 v.

13 ERNEST M. ROBERTS,
14
15 Defendant.

**PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE**

16
17 **INTRODUCTION**

18 I conducted a hearing on alleged violations of supervised release in this case on November
19 9, 2011. The defendant appeared pursuant to a summons issued in this case. The United States
20 was represented by Kathryn A. Warma, and defendant was represented by Peter J. Avenia. Also
21 present was U.S. Probation Officer Jerrod Akins. The proceedings were digitally recorded.

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23 **SENTENCE AND PRIOR ACTION**

Defendant was sentenced on October 9, 2007, by the Honorable James L. Robart for
Conspiracy to Defraud the United States with Respect to Claims; False Claims to the IRS;
Fraudulent Use of Another Person's Identification; and Conspiracy to commit Bank Fraud. He
received 21 months of detention and 5 years of supervised release. In addition to the standard
conditions of supervision, the following special conditions were imposed: no

1 firearms/destructive devices, search, financial disclosure, no new credit, employment restrictions,
2 cooperate with the IRS, attend Gamblers Anonymous as directed, do not enter any gambling
3 establishment, participate as directed in a mental health treatment program, and restitution in the
4 amount of \$62,270.90.

5 **PRESENTLY ALLEGED VIOLATIONS**

6 In a petition dated October 24, 2011, U.S. Probation Officer Jerrod Akins alleged that
7 defendant violated the following conditions of supervised release:

- 8 1. Failing to make regular monthly restitution payments, in violation of the special
9 condition that any unpaid amount of restitution is to be paid during the term of
10 supervision in monthly installments of not less than 10% of his gross monthly
11 household income.
- 12 2. Leaving the Western District of Washington without permission in violation of
13 standard condition #1.

14 **FINDINGS FOLLOWING EVIDENTIARY HEARING**

15 Defendant admitted the above violations, waived any hearing as to whether they occurred,
16 and was informed the matter would be set for a disposition hearing on December 8, 2011, at
17 10:00 a.m. before District Judge James L. Robart.

18 **RECOMMENDED FINDINGS AND CONCLUSIONS**

19 Based upon the foregoing, I recommend the court find that defendant has violated the
20 conditions of his supervised release as alleged above, and conduct a disposition hearing.

21 DATED this 9th day of November, 2011.

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23 **BRIAN A. TSUCHIDA**
United States Magistrate Judge